

SN 09/321,569  
Page 12 of 19

### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed March 24, 2005. In the Office Action, the Examiner notes that claims 1-14, 16, 18-24, 26-28, 34-41, 50-52, 56-61, 63-73, 75-78 and 87-89 are pending, claims 1, 4-12, 14, 16, 18-24, 26, 28, 34-41, 50-52, 56-61, 63-74, 77, 78 and 87-89 are rejected, and claims 2, 3, 13, 27, 75 and 76 are objected to. By this response, Applicants have amended claims 1, 67, 73 and 87; cancelled claims 2 and 75; and added new claim 94. The amendments to the claims are fully supported by the Specification. For example, the amendments to the claims and the new claim are supported at least by page 50, line 7, to page 51, line 6. Thus, the Examiner is respectfully requested to enter the amendments and new claim.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

### **AMENDMENTS TO THE SPECIFICATION**

The Specification has been amended to clarify that Application Serial Number 08/906,469 is now U.S. Patent No. 6,408,437, Serial Number 08/160,194 is now U.S. Patent No. 5,990,927, and Serial Number 08/336,247 is now U.S. Patent No. 5,986,690.

### **ALLOWABLE SUBJECT MATTER**

In the Office Action mailed on 3/24/05, the Examiner has objected to claims 2, 3, 13, 27 and 75-76 as being dependent upon a rejected base claim, but indicated they

372824\_1.DOC

SN 09/321,569  
Page 13 of 19

would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicants thank the Examiner for indicating allowable subject matter with respect to claims 2, 3, 13, 27 and 75-76.

In response, Claims 2 and 75 have thus been incorporated into the independent claims from which they directly depend, i.e. claims 1 and 73 respectfully. Thus, it is believed that claims 1-14, 16, 18-24, 26-28, 34-41, 50-52, 56-61, 63-66, 73, and 76-78 are now allowable based on the indication of allowable subject matter by the Examiner. Claim 1 has also been cosmetically amended to clarify the antecedence of the term "search criteria". It is believed that this cosmetic amendment does not affect the scope or patentability, as indicated by the Examiner, of the amended claim 1.

Furthermore, the Applicant has amended independent claims 67 and 87 to contain substantially similar relevant limitations as those indicated as allowable by the Examiner. Thus, it is believed that claims 67-72 and 87-89 are also now allowable based on the indication of allowable subject matter by the Examiner.

### **REJECTIONS**

#### **35 U.S.C. §103**

##### **Claims 1, 4-7, 14, 20-22, 24, 26, 28, 34-36, 51-52, 57, 61, 67 and 69**

The Examiner has rejected claims 1, 4-7, 14, 20-22, 24, 26, 28, 34-36, 51-52, 57, 61, 67 and 69 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,479,268 to Young ("Young") in view of U.S. Patent 5,297,039 to Kanaegami ("Kanaegami"). Applicants respectfully traverse the rejection.

Applicants submit that independent claims 1 and 67 are patentable because they have been amended to include either limitations directed to subject matter indicated as allowable by the Examiner (e.g. claim 1) or limitations substantially similar to subject matter indicated as allowable by the Examiner (e.g. claim 67). Moreover, the other rejected claims depend on independent claims 1 and 67 and are therefore also patentable. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

SN 09/321,569  
Page 14 of 19

#### **Claim 58**

The Examiner has rejected claim 58 under 35 U.S.C. §103(a) as being unpatentable over Young in view of Kanaegami in further view of comp.risks article. Applicants respectfully traverse the rejection.

Applicants submit that claim 58 is patentable because independent claim 1, from which claim 58 depends, has been amended to include limitations directed to subject matter indicated as allowable by the Examiner. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **Claim 59**

The Examiner has rejected claim 59 under 35 U.S.C. §103(a) as being unpatentable over Young in view of Kanaegami in further view of U.S. Patent 4,451,701 to Bendig ("Bendig"). Applicants respectfully traverse the rejection.

Applicants submit that claim 59 is patentable because independent claim 1, from which claim 59 depends, has been amended to include limitations directed to subject matter indicated as allowable by the Examiner. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **Claim 60**

The Examiner has rejected claim 60 under 35 U.S.C. §103(a) as being unpatentable over Young in view of Kanaegami in further view of misc.consumers article. Applicants respectfully traverse the rejection.

Applicants submit that claim 60 is patentable because independent claim 1, from which claim 60 depends, has been amended to include limitations directed to subject matter indicated as allowable by the Examiner. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **Claims 68 and 70-72**

The Examiner has rejected claims 68 and 70-72 under 35 U.S.C. §103(a) as being unpatentable over Young in view of Kanaegami in further view of U.S. Patent 5,850,230 to San ("San"). Applicants respectfully traverse the rejection.

372824\_1.DOC

SN 09/321,569  
Page 15 of 19

Applicants submit that claims 68 and 70-72 are patentable because independent claim 67, from which claims 68 and 70-72 depend, has been amended to include limitations substantially similar to subject matter indicated as allowable by the Examiner. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **Claims 87-89**

The Examiner has rejected claims 87-89 under 35 U.S.C. §103(a) as being unpatentable over Young in view of Kanaegami and U.S. Patent 4,775,935 to Yourick ("Yourick"). Applicants respectfully traverse the rejection.

Applicants submit that claims 87-89 are patentable because independent claim 87 has been amended to include limitations substantially similar to subject matter indicated as allowable by the Examiner. Moreover, claims 88-89 depend from Independent claim 87 and as such are also patentable. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **Claims 16 and 18-19**

The Examiner has rejected claims 16 and 18-19 under 35 U.S.C. §103(a) as being unpatentable over Young and Kanaegami in further view of U.S. Patent 4,992,972 to Brooks ("Brooks"). Applicants respectfully traverse the rejection.

Applicants submit that claims 16 and 18-19 are patentable because independent claim 1, from which claims 16 and 18-19 depend, has been amended to include limitations directed to subject matter indicated as allowable by the Examiner. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **Claims 8, 9 and 23**

The Examiner has rejected claims 8, 9 and 23 under 35 U.S.C. §103(a) as being unpatentable over Young in view of Kanaegami in further view of U.S. Patent 5,483,278 to Strubbe ("Strubbe"). Applicants respectfully traverse the rejection.

Applicants submit that claims 8, 9 and 23 are patentable because independent claim 1, from which claims 8, 9 and 23 depend, has been amended to include

372824\_1.DOC

SN 09/321,569  
Page 16 of 19

limitations directed to subject matter indicated as allowable by the Examiner.  
Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**Claims 10 and 12**

The Examiner has rejected claims 10 and 12 under 35 U.S.C. §103(a) as being unpatentable over Young and Kanaegami in further view of U.S. Patent 5,532,754 to Young ("Young '754"). Applicants respectfully traverse the rejection.

Applicants submit that claims 10 and 12 are patentable because independent claim 1, from which claims 10 and 12 depend, has been amended to include limitations directed to subject matter indicated as allowable by the Examiner. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**Claim 11**

The Examiner has rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Young in view of Young '754 and Kanaegami in further view of Young Patent 4,706,121 (hereinafter "Young '121"). Applicants respectfully traverse the rejection.

Applicants submit that claim 11 is patentable because independent claim 1, from which claim 11 depends, has been amended to include limitations directed to subject matter indicated as allowable by the Examiner. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**Claims 37-41, 50 and 63-66**

The Examiner has rejected claims 37-41, 50 and 63-66 under 35 U.S.C. §103(a) as being unpatentable over Young in view of Kanaegami in further view of U.S. Patent 4,602,279 to Freeman ("Freeman"). Applicants respectfully traverse the rejection.

Applicants submit that claims 37-41, 50 and 63-66 are patentable because independent claim 1, from which claims 37-41, 50 and 63-66 depend, has been amended to include limitations directed to subject matter indicated as allowable by the Examiner. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

372824\_1.DOC

SN 09/321,569  
Page 17 of 19

#### **Claim 56**

The Examiner has rejected claim 56 under 35 U.S.C. §103(a) as being unpatentable over Young in view of Kanaegami in further view of U.S. Patent 5,550,863 to Yurt ("Yurt"). Applicants respectfully traverse the rejection.

Applicants submit that claim 56 is patentable because independent claim 1, from which claim 56 depends, has been amended to include limitations directed to subject matter indicated as allowable by the Examiner. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **Claim 73**

The Examiner has rejected claim 73 under 35 U.S.C. §103(a) as being unpatentable over Yourick in view of Young and Strubbe. Applicants respectfully traverse the rejection.

Applicants submit that claim 73 is patentable because it has been amended to include limitations directed to subject matter indicated as allowable by the Examiner. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **Claims 77-78**

The Examiner has rejected claims 77-78 under 35 U.S.C. §103(a) as being unpatentable over Yourick in view of Young, Strubbe and U.S. Patent No. 5,251,324 to McMullan, Jr. (hereinafter "McMullan"). Applicants respectfully traverse the rejection.

Applicants submit that claims 77-78 are patentable because independent claim 73, from which claims 77-78 depend, has been amended to include limitations directed to subject matter indicated as allowable by the Examiner. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **OFFICIAL NOTICES**

The Examiner takes numerous Official Notices in the Office Action. For example see pages 7, 12, 13, 16, 17, and 18 of the present Office Action. Applicant hereby traverses each Official Notice. The Examiner alleges that apparatuses and/or methods

372824\_1.DOC

SN 09/321,569  
Page 18 of 19

recited in certain claims are well known in the art. However, the Applicant believes that these apparatuses and/or methods rejected by the Examiner using Official Notice may not be well known within the specific art of the present invention as recited in the pending claims. For example, the allegedly well known limitations may not be well known to be used in combination with other limitations of the claims in which they are found or in claims from which they depend.

#### **NEW CLAIM**

In the Office Action mailed on 6/8/04, the Examiner objected to claims 2, 3, 13, 27 and 74-76 as being dependent upon a rejected base claim, but indicated they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

Applicants have therefore submitted new claim 94, which incorporates all of the limitations of claims 1 and 2, as recited in the Application as originally filed.

As such, Applicants believe new claim 94 is allowable for at least the reason that the new claim is directed to subject matter indicated as allowable by the Examiner in the Office Action mailed on 6/8/04.

SN 09/321,569  
Page 19 of 19

### CONCLUSION

Applicants believe all the claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of an adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. or Stephen Guzzi at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

6/24/05

E J Wall

Eamon J. Wall, Attorney  
Registration No. 39,414  
(732) 530-9404

Moser, Patterson & Sheridan, LLP  
Attorneys at Law  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702